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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,217	10/11/2001	Paul R. Michaelis	4366-48	9331

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT PAPER NUMBER

2614

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/976,217

Applicant(s)

MICHAELIS, PAUL R.

Examiner

Jefferey F. Harold

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-32 and 34-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The references listed in the Information Disclosure Statement submitted on June 9, 2006 have been considered by the examiner (see attached PTO-1449).

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26-32 and 34-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al. (United States Patent 5,539,806), hereinafter referenced as Allen.

Regarding claim 26, Allen discloses a method for customer selection of telephone sound enhancement. In addition, Allen discloses a method for operating a voice-based telecommunications device, comprising: (a) monitoring the voice-based telecommunications device for at least one of an on-hook and off-hook state; and (b) when the at least one of an on-hook and off-hook state is detected, automatically resetting at least one acoustic characteristic to a predetermined level, wherein the predetermined level is user adjustable, as disclosed at column 2, line 7 through column 3, line 65; column 5, line 33 through column 7, line 40 and exhibited in the figure.

Regarding claim 27, Allen discloses everything claimed as applied above (see claim 26), in addition Allen discloses wherein the at least one of an on-hook and off-hook state is the off-hook state, wherein, when the telecommunications device is in an off-hook state, the acoustic parameter is freely adjustable by a user and wherein the

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acoustic parameter comprises a volume setting of a speaker of the device and further comprising: (c) monitoring the voice-based telecommunications device for the off-hook state; and (d) when the off-hook state is detected, performing steps (a) and (b), as disclosed at column 2, line 7 through column 3, line 65; column 5, line 33 through column 7, line 40 and exhibited in the figure.

Regarding claim 28, Allen discloses everything claimed as applied above (see claim 26), in addition Allen discloses wherein the at least one of an on-hook and off-hook state is the on-hook state, wherein, when the telecommunications device is in an off-hook state, the acoustic parameter is freely adjustable by a user, and wherein the acoustic parameter comprises a volume setting of a speaker of the device and further comprising: (c) monitoring the voice-based telecommunications device for the on-hook state', and (d) when the on-hook state is detected, performing steps (a) and (b), as disclosed at column 2, line 7 through column 3, line 65; column 5, line 33 through column 7, line 40 and exhibited in the figure.

Regarding claim 29, Allen discloses everything claimed as applied above (see claim 26), in addition Allen discloses wherein the monitoring step (a) comprises comparing a magnitude of an electrical parameter of the voice-based telecommunications device to a predetermined value, wherein the electrical parameter is an electrical current flowing to a handset of the device, and, further comprising: (c) when the at least one of the on-hook and off-hook state is detected, altering the state of a state indicator; and wherein the resetting step (b) comprises detecting the altered state of the state indicator and resetting the acoustic parameter to the predetermined

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level in response thereto, as disclosed at column 2, line 7 through column 3, line 65; column 5, line 33 through column 7, line 40 and exhibited in the figure.

Regarding claim 30, Allen discloses everything claimed as applied above (see claim 26), in addition Allen discloses wherein the acoustic parameter is a frequency contour of acoustic signals handled by one or more of the receive, transmit, and sidetone channels of the voice-based telecommunications device, as disclosed at column 2, line 7 through column 3, line 65; column 5, line 33 through column 7, line 40 and exhibited in the figure.

Regarding claim 31, Allen discloses everything claimed as applied above (see claim 26), in addition Allen discloses wherein the acoustic parameter is audio compression level of one or more of receive, transmit, and sidetone signals, as disclosed at column 2, line 7 through column 3, line 65; column 5, line 33 through column 7, line 40 and exhibited in the figure.

Regarding claim 32, Allen discloses everything claimed as applied above (see claim 26), in addition Allen discloses wherein the acoustic parameter is an acoustic parameter selected from the at least one of the volume, frequency contour and audio compression level of at least one of a transmit signal and a sidetone signal, as disclosed at column 2, line 7 through column 3, line 65; column 5, line 33 through column 7, line 40 and exhibited in the figure.

Regarding claim 34, Allen discloses everything claimed as applied above (see claim 26), in addition Allen discloses A computer readable medium comprising

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processor executable instructions for performing the steps as disclosed at column 4, lines 8-51.

Regarding claims 35-49, Allen discloses everything claimed as applied above (see rejection of claims 26-32 and 34), therefore claims 35-49 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 26-32 and 34.

### ***Allowable Subject Matter***

Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Citation of Pertinent Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goldman (United States Patent 6,807,262) discloses central office control of receive and transmit handset volume.

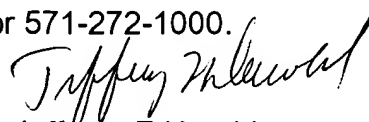
Knappe et al. (United States Patent 6,061,431), discloses a method for hearing loss compensation in telephony systems based on telephone number resolution.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jefferey F Harold  
Primary Examiner  
Art Unit 2614

  
JFH  
June 20, 2006